

## REMARKS

Claims 1-16 are pending. The Office Action dated July 5, 2006 in this Application has been carefully considered. The following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 9, 14, and 16 has been amended in this Response. Reconsideration and allowance are respectfully requested in light of the above amendment and the following remarks.

Claim 16 stands rejected under 35 U.S.C. § 112 second paragraph as being indefinite because it depends upon itself. In light of the amendment submitted herewith, the Applicants believe that the rejection has been rendered moot and request that the rejection be withdrawn. Furthermore, Applicants contend that the rationale underlying this amendment bears no more than a tangential relation to any equivalence in question because the amendment merely corrects a typographic error. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 122 S.Ct. 1831 (2002). Similarly, amendments have been made to Claims 3-4 which bear no more than a tangential relation to any equivalence in question because the amendment merely corrects a typographic error. Claim 2 has been amended as indicated to more clearly define that which the Applicants consider their invention. No new matter is added.

Claims 1-15 stand rejected under 35 U.S.C. §103(a) by U.S. Patent No. 4,641,557 to Steiner et al ("Steiner") in view of U.S. Patent No. 6,640,855 to Giles ("Giles"). Insofar as they may be applied against the Claims, this rejection is traversed.

Regarding Claims 1-15, Steiner was cited as assertedly disclosing the following: 1) a cutting blade; 2) the cutting assembly moves along a pivot axis, a vertical axis, a bevel axis and a transverse axis as shown on the computer controller in Figure 3A; 3) the apparatus is capable of cutting the workpiece at a bevel angle using a stab cut by simultaneously moving the workpiece along its longitudinal axis manually and moving the cutter along the vertical axis with the computer; the apparatus is capable of cutting the workpiece at other than a ninety degree bevel cut; 4) the apparatus is capable of using a stab cut in combination with a transverse cut; 5) the apparatus is capable of having a maximum cut length greater than the length of the bevel cut, and is capable of having a maximum cut length of at least ten inches.

As to Steiner: Applicants' independent Claim 1 requires that the "automated cutting assembly" be capable of "automatically" rotating the blade about its pivot axis,

"automatically" moving the blade along the vertical axis, and "automatically" rotating the blade along a bevel axis. (The "automated" adjective preceding the "cutting assembly" was intended to be carried through to each of the movements the cutting assembly performs, however, the amended claims make this clearer.) Similar amendments adding "automatic(ally)" are made to independent Claims 9 and 14. (Note that the claims do not address the driving of the blade to spin about its axis to make cuts, referred to in Steiner as "driving the saw blade around its rotational axis.") Further, Claims 1, 9 and 14 each require that the apparatus perform "a stab cut," defined in the Specification as a cut wherein "the blade contacts and cuts the workpiece during the vertical movement" of the blade.

Steiner teaches a motor to "drive" the blade around its "rotational axis" (that is, spin the blade to make it cut) and automatic movement of the blade along the vertical axis (moving the entire blade up and down) in a radial arm saw, and, in a table saw, automatic movement along a vertical axis (up and down) and of the bevel angle. Steiner teaches *manual* setting of the miter angle in a radial arm saw. Steiner, 3:1-9. (The computer screen at Figure 3A does not indicate automatic movement of the blade along the miter axis – the computer tracks the location of the blade, displaying the information to the user. (3:1-9, 3:29-32). Additionally, as the examiner notes, Steiner does not teach automated linear movement of the workpiece, nor simultaneous automated movement of the blade and automated movement of the workpiece during a cut. Further, Steiner does not teach a "stab bevel cut" – Steiner addresses making a bevel cut at 10:52-11:2. Steiner teaches away from a stab bevel cut, teaching lowering the blade (along the vertical axis) into the "table kerf" (a pre-cut, shallow indentation along the path of travel of the blade allowing the blade to cut entirely through the workpiece without having to cut the table surface simultaneously) and *thereafter* turning on the saw motor switch to spin the blade and *then* making the cut. This precludes the stab bevel cut, in which the blade must be spinning *while* the blade is lowered into the workpiece, making the cut. Finally, Steiner does not teach automatically moving the blade along a transverse axis of motion.

As to independent Claim 1, Steiner does not teach the automatic movement of the blade along the various axes as required by the claim, does not teach automatic and simultaneous linear movement of the workpiece and movement of the blade while cutting, and teaches away from an automatic stab bevel cut. As to independent Claims 9 and 14,

Steiner does not teach an apparatus capable of automatic linear movement of the workpiece and simultaneous automatic cutting of the workpiece to create a bevel cut, and teaches away from an automatic stab bevel cut. As to Claims 2, 10 and 15, Steiner does not teach automatic movement along a transverse axis. Similarly, Steiner does not teach the automatic movement required by Claim 16 for reasons explained above. Steiner does not teach the limitations of Claim 6 since it does not teach automatic feed assemblies of any kind.

With regard to Giles: the examiner cites Giles for teaching an automatic feed assembly and simultaneous movement of the cutters and workpiece. Giles is drawn to a log guide for guiding a processed log through a joinery machine. Further, Giles describes that a variety of cutters available for cutting the log, including a rotatable circular saw, a universal mill, and a high speed drill bit, arranged along the axis of the machine with an arrow indicating the direction of movement of the log. (4:64-66). Giles does not teach the automatic movement of the blade along the various axes as required by the Claims and not taught by Steiner – and so does not, even in combination with Steiner, teach the Applicants' invention. Additionally, Giles does not teach making a "stab bevel cut" (or making a bevel cut using a stab cut) wherein the blade contacts and cuts the workpiece during the vertical movement of the blade. As such, Giles does not teach or suggest ignoring Steiner's teaching away from a stab bevel cut. Accordingly, the proposed combination of Giles and Steiner fails to suggest the Applicants' invention as claimed. Further, Giles does not teach the automatic movement of the workpiece "forward and backward" along its longitudinal axis as required by Claims 9 and 14.

The Claims are believed to be in condition for allowance. The Claims are not taught or anticipated by the cited art, and the amendments herein do not necessitate a new search. Consequently, the Applicant respectfully requests entry of the amendments to the Claims and allowance of Claims 1-16. If the examiner is of the opinion that a telephone interview would speed allowance of the application, please do not hesitate to call Peter Schroeder at 214.220.0444.

The Commissioner for Patents is hereby authorized to charge any fees relating to this paper or credit any overpayment to Deposit Account No. 50-3037. A duplicate copy of this fee authorization is enclosed for this purpose

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January 5, 2007

Date of Deposit

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Printed Name of Person Signing Certificate

  
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